



## **Regulatory Certifications for the Final Permanent Recreational Shooting Orders on the Custer-Gallatin National Forest**

### **Regulatory Certifications**

Congressional Review Act. Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget has designated this final permanent recreational shooting order as not a major rule as defined by 5 U.S.C. 804(2).

National Environmental Policy Act (NEPA). The Forest Service has concluded that this final permanent order will not cause effects on the natural and physical environment and the relationship of people with that environment and therefore documentation in a categorical exclusion (CE), environmental assessment (EA) or environmental impact statement (EIS) is not required under NEPA and Agency regulations at 36 CFR 220.4(a)(3).

Regulatory Flexibility Act Analysis. The Forest Service has considered the final permanent recreational shooting order under the requirements of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). This final permanent order will not have any direct effect on small entities as defined by the Regulatory Flexibility Act. The final permanent order will not impose recordkeeping requirements on small entities; will not affect their competitive position in relation to large entities; and will not affect their cash flow, liquidity, or ability to remain in the market. Therefore, the Forest Service has determined this final permanent recreational shooting order will not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act.

Federalism. The Forest Service has considered the final permanent recreational shooting order under the requirements of Executive Order (EO) 13132, *Federalism*. The Forest Service has determined the final permanent order conforms with the federalism principles set out in this EO; will not impose any compliance costs on the states; and will not have substantial direct effects on the states, on the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, the Forest Service has concluded the final permanent order does not have federalism implications.

Consultation with Tribal Governments. The Forest Service has determined national tribal consultation is not necessary for the final permanent recreational shooting order.

Environmental Justice. The Forest Service has considered the final permanent recreational shooting order under the requirements of EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. The Forest Service has determined that the final permanent order is consistent with EO 12898.

No Takings Implications. The Forest Service has analyzed the final permanent recreational shooting order in accordance with the principles and criteria in EO 12630, *Governmental Actions and Interference with Constitutionally Protected Property Rights*. The Forest Service has determined the final permanent order will not pose the risk of a taking of private property.

Energy Effects. The Forest Service has reviewed the final permanent recreational shooting order under EO 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*. The Forest Service has determined the final permanent order will not constitute a significant energy action as defined in EO 13211, and OIRA has not otherwise designated the final order as a significant energy action.

Civil Justice Reform. The Forest Service has analyzed the final permanent recreational shooting order in accordance with the principles and criteria in EO 12988, *Civil Justice Reform*. Upon issuance of the final permanent order, (1) all state and local laws and regulations that conflict with the final permanent order or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this final permanent order; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Unfunded Mandates. Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), signed into law on March 22, 1995, the Forest Service has assessed the effects of the final permanent recreational shooting order on state, local, and tribal governments and the private sector. The final permanent order will not compel the expenditure of \$100 million or more by any state, local, or tribal government or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Controlling Paperwork Burdens on the Public. The final permanent recreational shooting order does not contain information collection requirements as defined in 5 CFR Part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR Part 1320 do not apply.

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